

Executive Summary – Enforcement Matter – Case No. 47959
E. I. du Pont de Nemours and Company
RN100225085
Docket No. 2013-2104-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

E. I. du Pont de Nemours La Porte Plant, 12501 Strang Road, La Porte, Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2014-0835-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 21, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$26,250

Amount Deferred for Expedited Settlement: \$5,250

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$21,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 24, 2013

Date(s) of NOE(s): November 12, 2013

Executive Summary – Enforcement Matter – Case No. 47959
E. I. du Pont de Nemours and Company
RN100225085
Docket No. 2013-2104-IWD-E

Violation Information

Failed to comply with permitted effluent limits for total copper, total nickel, and methomyl [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 1, for Outfalls 001 and 101].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 12, 2013, the Respondent returned to compliance with permit effluent limits by implementing the following corrective measures:

- a. Source control of the copper wastewater stream by adding a copper precipitant chemical to the gathering ponds;
- b. Implemented control methods at the sulfate pile and for all methomyl-containing sump piping and at the emergency retention basin; and
- c. Repaired high-nickel alloy equipment.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jason Fraley, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2552; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Jose L. Trevino, Plant Manager, E. I. du Pont de Nemours and Company, 12501 Strang Road, La Porte, Texas 77571

Ellen J. Kullman, Chief Executive Officer, E. I. du Pont de Nemours and Company, 1007 Market Street, D-13111, Wilmington, Delaware 19898

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	17-Nov-2013	PCW	21-Nov-2013	Screening	19-Nov-2013	EPA Due	5-Dec-2013
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RESPONDENT/FACILITY INFORMATION

Respondent	E. I. du Pont de Nemours and Company		
Reg. Ent. Ref. No.	RN100225085		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	47959	No. of Violations	1
Docket No.	2013-2104-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jason Fraley
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$15,000****ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$15,000**

Notes: Enhancement for three months of self-reported effluent violations, six NOV's with dissimilar violations, three orders with denial of liability, three orders without denial of liability, and reduction for one disclosure of violations and one notice of intent to conduct an audit.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$3,750****Economic Benefit** **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$516
Approx. Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$26,250****OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$26,250****STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$26,250****DEFERRAL** **20.0%** Reduction **Adjustment** **-\$5,250**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$21,000**

Screening Date 19-Nov-2013

Docket No. 2013-2104-IWD-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 47959

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225085

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 159%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations, six NOVs with dissimilar violations, three orders with denial of liability, three orders without denial of liability, and reduction for one disclosure of violations and one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 159%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 19-Nov-2013

Docket No. 2013-2104-IWD-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 47959

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225085

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 1, for Outfall Nos. 001 and 101

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on September 24, 2013, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate copper and nickel to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. In addition, methomyl was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

123 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the quarters containing the months of July 2012, March 2013, and June 2013, for Outfall No. 001, and the quarter containing the month of May 2013, for Outfall No. 101.

Good Faith Efforts to Comply

25.0% Reduction

\$3,750

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance on August 12, 2013.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$516

Violation Final Penalty Total \$26,250

This violation Final Assessed Penalty (adjusted for limits) \$26,250

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 47959
Reg. Ent. Reference No. RN100225085
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Jul-2012	12-Aug-2013	1.03	\$516	n/a	\$516

Notes for DELAYED costs

Estimated cost to conduct source control of the copper wastewater stream by adding a copper precipitant chemical to the gathering ponds, implement control methods at the sulfate pile, all methomyl-containing sump piping and at the emergency retention basin, and make repairs to nickel-alloy equipment at the Facility. Date required is the initial date of noncompliance, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$516

E.I. du Pont de Nemours and Company
Docket No. 2013-2104-IWD-E
TPDES Permit No. WQ0000474000

Effluent Parameter Violation Table

Outfall 001

	Copper Total		Nickel Total
	Daily Average Concentration	Daily Average Loading	Daily Average Concentration
Month /Year	Limit = 0.043 mg/L	Limit = 1.57 lbs/day	Limit = 0.049 mg/L
July 2012	c	c	0.055
March 2013	0.06	1.87	c
June 2013	0.055	c	c

Outfall 101

Month /Year	Methomyl	
	Daily Average Loading	Daily Maximum Loading
	Limit = 0.088 lbs/day	Limit = 0.191 lbs/day
May 2013	0.171	0.46

c = compliant lbs/day = pounds per day

mg/L = milligrams per liter



Compliance History Report

PUBLISHED Compliance History Report for CN600128284, RN100225085, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600128284, E. I. du Pont de Nemours and Company	Classification: SATISFACTORY	Rating: 7.99
Regulated Entity:	RN100225085, E I DU PONT DE NEMOURS LA PORTE PLANT	Classification: SATISFACTORY	Rating: 4.57
Complexity Points:	54	Repeat Violator:	NO
CH Group:	05 - Chemical Manufacturing		
Location:	12501 STRANG ROAD, LA PORTE, HARRIS COUNTY, TEXAS		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0218K

AIR OPERATING PERMITS PERMIT 1846

AIR OPERATING PERMITS PERMIT 1906

AIR OPERATING PERMITS PERMIT 1911

AIR OPERATING PERMITS PERMIT 1891

AIR NEW SOURCE PERMITS REGISTRATION 93294

AIR NEW SOURCE PERMITS REGISTRATION 12705

AIR NEW SOURCE PERMITS PERMIT 20800

AIR NEW SOURCE PERMITS REGISTRATION 23740

AIR NEW SOURCE PERMITS REGISTRATION 25009

AIR NEW SOURCE PERMITS REGISTRATION 25400

AIR NEW SOURCE PERMITS REGISTRATION 26222

AIR NEW SOURCE PERMITS REGISTRATION 26340

AIR NEW SOURCE PERMITS REGISTRATION 24984

AIR NEW SOURCE PERMITS REGISTRATION 30182

AIR NEW SOURCE PERMITS REGISTRATION 32351

AIR NEW SOURCE PERMITS REGISTRATION 34178

AIR NEW SOURCE PERMITS REGISTRATION 36110

AIR NEW SOURCE PERMITS REGISTRATION 37427

AIR NEW SOURCE PERMITS REGISTRATION 37750

AIR NEW SOURCE PERMITS REGISTRATION 41316

AIR NEW SOURCE PERMITS REGISTRATION 41786

AIR NEW SOURCE PERMITS REGISTRATION 44807

AIR NEW SOURCE PERMITS REGISTRATION 44934

AIR NEW SOURCE PERMITS REGISTRATION 46795

AIR NEW SOURCE PERMITS REGISTRATION 47657

AIR NEW SOURCE PERMITS REGISTRATION 48336

AIR NEW SOURCE PERMITS PERMIT 1834

AIR NEW SOURCE PERMITS PERMIT 2295B

AIR NEW SOURCE PERMITS PERMIT 2751

AIR NEW SOURCE PERMITS PERMIT 4445

AIR NEW SOURCE PERMITS PERMIT 7820

AIR NEW SOURCE PERMITS PERMIT 7986

AIR NEW SOURCE PERMITS REGISTRATION 51352

AIR NEW SOURCE PERMITS REGISTRATION 93151

AIR NEW SOURCE PERMITS REGISTRATION 55092

AIR NEW SOURCE PERMITS REGISTRATION 54748

AIR NEW SOURCE PERMITS REGISTRATION 55169

AIR NEW SOURCE PERMITS REGISTRATION 53898

AIR NEW SOURCE PERMITS REGISTRATION 54142

AIR NEW SOURCE PERMITS REGISTRATION 75780

AIR NEW SOURCE PERMITS REGISTRATION 75939

AIR NEW SOURCE PERMITS REGISTRATION 75522

AIR NEW SOURCE PERMITS REGISTRATION 70680

AIR NEW SOURCE PERMITS REGISTRATION 71515

AIR NEW SOURCE PERMITS REGISTRATION 71555

AIR NEW SOURCE PERMITS REGISTRATION 71637

AIR NEW SOURCE PERMITS REGISTRATION 70683

AIR NEW SOURCE PERMITS REGISTRATION 55709

AIR OPERATING PERMITS PERMIT 1845

AIR OPERATING PERMITS PERMIT 1905

AIR OPERATING PERMITS PERMIT 1907

AIR OPERATING PERMITS PERMIT 1990

AIR NEW SOURCE PERMITS AFS NUM 4820100011

AIR NEW SOURCE PERMITS REGISTRATION 71932

AIR NEW SOURCE PERMITS REGISTRATION 12725

AIR NEW SOURCE PERMITS PERMIT 21130

AIR NEW SOURCE PERMITS REGISTRATION 23688

AIR NEW SOURCE PERMITS REGISTRATION 25657

AIR NEW SOURCE PERMITS REGISTRATION 27385

AIR NEW SOURCE PERMITS REGISTRATION 26496

AIR NEW SOURCE PERMITS REGISTRATION 28383

AIR NEW SOURCE PERMITS REGISTRATION 26592

AIR NEW SOURCE PERMITS REGISTRATION 30428

AIR NEW SOURCE PERMITS REGISTRATION 34030

AIR NEW SOURCE PERMITS REGISTRATION 35510

AIR NEW SOURCE PERMITS REGISTRATION 36341

AIR NEW SOURCE PERMITS REGISTRATION 37277

AIR NEW SOURCE PERMITS REGISTRATION 39520

AIR NEW SOURCE PERMITS REGISTRATION 41436

AIR NEW SOURCE PERMITS REGISTRATION 44102

AIR NEW SOURCE PERMITS REGISTRATION 44835

AIR NEW SOURCE PERMITS REGISTRATION 46250

AIR NEW SOURCE PERMITS REGISTRATION 47006

AIR NEW SOURCE PERMITS REGISTRATION 48201

AIR NEW SOURCE PERMITS REGISTRATION 50145

AIR NEW SOURCE PERMITS PERMIT 2295A

AIR NEW SOURCE PERMITS PERMIT 2446A

AIR NEW SOURCE PERMITS PERMIT 3406

AIR NEW SOURCE PERMITS PERMIT 6502

AIR NEW SOURCE PERMITS PERMIT 7941

AIR NEW SOURCE PERMITS REGISTRATION 51618

AIR NEW SOURCE PERMITS REGISTRATION 52051

AIR NEW SOURCE PERMITS REGISTRATION 84460

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0218K

AIR NEW SOURCE PERMITS REGISTRATION 55472

AIR NEW SOURCE PERMITS REGISTRATION 53691

AIR NEW SOURCE PERMITS REGISTRATION 53933

AIR NEW SOURCE PERMITS REGISTRATION 55100

AIR NEW SOURCE PERMITS REGISTRATION 75781

AIR NEW SOURCE PERMITS REGISTRATION 55942

AIR NEW SOURCE PERMITS REGISTRATION 70090

AIR NEW SOURCE PERMITS REGISTRATION 71485

AIR NEW SOURCE PERMITS REGISTRATION 71521

AIR NEW SOURCE PERMITS REGISTRATION 71589

AIR NEW SOURCE PERMITS REGISTRATION 71079

AIR NEW SOURCE PERMITS REGISTRATION 54434

AIR NEW SOURCE PERMITS REGISTRATION 54656

AIR NEW SOURCE PERMITS REGISTRATION 72501
AIR NEW SOURCE PERMITS REGISTRATION 55614
AIR NEW SOURCE PERMITS REGISTRATION 74445
AIR NEW SOURCE PERMITS REGISTRATION 73850
AIR NEW SOURCE PERMITS REGISTRATION 77245
AIR NEW SOURCE PERMITS REGISTRATION 77101
AIR NEW SOURCE PERMITS REGISTRATION 79153
AIR NEW SOURCE PERMITS REGISTRATION 79912
AIR NEW SOURCE PERMITS REGISTRATION 80234
AIR NEW SOURCE PERMITS REGISTRATION 81545
AIR NEW SOURCE PERMITS REGISTRATION 81466
AIR NEW SOURCE PERMITS REGISTRATION 82048
AIR NEW SOURCE PERMITS REGISTRATION 82394
AIR NEW SOURCE PERMITS REGISTRATION 83743
AIR NEW SOURCE PERMITS REGISTRATION 83045
AIR NEW SOURCE PERMITS REGISTRATION 81488
AIR NEW SOURCE PERMITS REGISTRATION 81487
AIR NEW SOURCE PERMITS REGISTRATION 92250
AIR NEW SOURCE PERMITS REGISTRATION 93752
AIR NEW SOURCE PERMITS REGISTRATION 98906
AIR NEW SOURCE PERMITS REGISTRATION 102077
AIR NEW SOURCE PERMITS REGISTRATION 104938
AIR NEW SOURCE PERMITS REGISTRATION 106293
AIR NEW SOURCE PERMITS REGISTRATION 111053
AIR NEW SOURCE PERMITS REGISTRATION 104917
AIR NEW SOURCE PERMITS REGISTRATION 109185
WASTEWATER PERMIT WQ0000474000
UNDERGROUND INJECTION CONTROL PERMIT WDW082
UNDERGROUND INJECTION CONTROL PERMIT WDW149
UNDERGROUND INJECTION CONTROL PERMIT PIU30046

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 35066

STORMWATER PERMIT TXR05P548

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0218K

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION #
(SWR) 30046

POLLUTION PREVENTION PLANNING ID NUMBER P00192

AIR NEW SOURCE PERMITS REGISTRATION 73137
AIR NEW SOURCE PERMITS REGISTRATION 55864
AIR NEW SOURCE PERMITS REGISTRATION 74547
AIR NEW SOURCE PERMITS REGISTRATION 74781
AIR NEW SOURCE PERMITS REGISTRATION 77924
AIR NEW SOURCE PERMITS REGISTRATION 79091
AIR NEW SOURCE PERMITS REGISTRATION 79624
AIR NEW SOURCE PERMITS REGISTRATION 79682
AIR NEW SOURCE PERMITS REGISTRATION 79824
AIR NEW SOURCE PERMITS REGISTRATION 81161
AIR NEW SOURCE PERMITS REGISTRATION 81328
AIR NEW SOURCE PERMITS REGISTRATION 83253
AIR NEW SOURCE PERMITS REGISTRATION 82353
AIR NEW SOURCE PERMITS REGISTRATION 86302
AIR NEW SOURCE PERMITS REGISTRATION 90542
AIR NEW SOURCE PERMITS REGISTRATION 85923
AIR NEW SOURCE PERMITS REGISTRATION 88256
AIR NEW SOURCE PERMITS REGISTRATION 91667
AIR NEW SOURCE PERMITS REGISTRATION 94357
AIR NEW SOURCE PERMITS REGISTRATION 99259
AIR NEW SOURCE PERMITS REGISTRATION 111049
AIR NEW SOURCE PERMITS REGISTRATION 111054
AIR NEW SOURCE PERMITS REGISTRATION 107071
AIR NEW SOURCE PERMITS REGISTRATION 111051
AIR NEW SOURCE PERMITS REGISTRATION 111046
AIR NEW SOURCE PERMITS REGISTRATION 104939
WASTEWATER EPA ID TX0007293
UNDERGROUND INJECTION CONTROL PERMIT WDW083
UNDERGROUND INJECTION CONTROL PERMIT WDW360
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011171

WATER LICENSING LICENSE 1011171

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
(SWR) 30046
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008079212

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50213

Compliance History Period: September 01, 2008 to August 31, 2013

Rating Year: 2013

Rating Date: 09/01/2013

Date Compliance History Report Prepared: November 19, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 19, 2008 to November 19, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jason Fraley

Phone (512) 239-2552

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 03/12/2009 ADMINORDER 2007-1531-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit #4445, SC#1 PA

Description: Failed to prevent unauthorized emissions during a February 19, 2006 emissions event. Since the emissions event was avoidable, excessive, and not properly reported, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
40 CFR Part 60, Subpart A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP No. O-01911, Spec. Cond. 15 OP

FOP No. O-01911, Spec. Cond. 1A OP

NSR Permit No. 4445, Spec. Cond. 5A PERMIT

Description: Failed to maintain the net heating value of the gas being combusted by Flare VS-202C at 300 Btu/scf or greater.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP No. O-01911, Spec. Cond. 15 OP

FOP No. O-01911, Spec. Cond. 1A OP

NSR Permit No. 4445, Spec. Cond. 6 PERMIT

Description: Failed to maintain the liquid flow rate to Tank Farm Super Scrubber VS-206 above 17 gpm.

2 Effective Date: 09/26/2010 ADMINORDER 2010-0313-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 130915. Specifically, 355 pounds ("lbs") of carbon dioxide and 3,700 lbs of methylene chloride, a hazardous air pollutant, were released from a relief valve (Emissions Point No. LN-21F) in the Lannate/API Unit during an emissions event that began on October 14, 2009 and lasted 7 hours and 6 minutes. The unauthorized release was the result of a failed pressure transmitter which caused the vent system to overpressurize,

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to timely report Incident No. 130915 within 24 hours after discovery. Specifically, the event was discovered on October 14, 2009, at 11:00 p.m. However, the initial notification was not submitted until October 19, 2009, at 4:31 p.m.

3 Effective Date: 12/19/2011 ADMINORDER 2011-0757-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

Description: Failure to submit the semi-annual deviation report dated November 17, 2010 within 30 days after the end of the reporting period. (CATEGORY B3 violation)

4 Effective Date: 08/05/2012 ADMINORDER 2012-0093-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event (Incident No. 160293) which occurred on October 7, 2011, and lasted approximately two hours in the Vinyls A-Plant Unit. Specifically, 1,900 pounds of ethylene were released when the one-half inch transmitter tubing on the ethylene supply header broke. Since the emissions event could have been avoided by better operational practices, the demonstration criteria for an affirmative defense could not be met.

5 Effective Date: 10/27/2012 ADMINORDER 2012-0598-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 18 PERMIT

ST&C 5 OP

Description: Failed to maintain the liquid flow rate to the Hydrogen Fluoride ("HF") Scrubber above 87 gallons per minute ("gpm") on April 11, 2011 for six minutes, on May 15, 2011 for 12 minutes, and on September 1, 2011 for 43 minutes.

6 Effective Date: 11/11/2012 ADMINORDER 2012-0050-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permitted effluent limitations for Outfalls 101 and 201, as documented during record reviews conducted on December 9, 2011, and April 4, 2012

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 25, 2008	(708172)
Item 2	December 22, 2008	(727591)
Item 3	January 21, 2009	(709039)
Item 4	January 23, 2009	(750399)
Item 5	February 19, 2009	(725340)
Item 6	April 20, 2009	(768458)
Item 7	May 13, 2009	(737282)
Item 8	May 18, 2009	(743192)
Item 9	May 20, 2009	(924884)
Item 10	June 22, 2009	(924885)
Item 11	July 13, 2009	(738157)
Item 12	July 22, 2009	(924886)
Item 13	July 30, 2009	(741154)
Item 14	August 11, 2009	(763020)
Item 15	August 24, 2009	(766638)
Item 16	September 03, 2009	(747011)
Item 17	October 15, 2009	(924888)
Item 18	November 09, 2009	(777109)
Item 19	November 10, 2009	(778076)
Item 20	November 18, 2009	(805005)
Item 21	December 03, 2009	(783577)
Item 22	January 07, 2010	(786284)
Item 23	February 05, 2010	(787487)
Item 24	February 12, 2010	(787495)
Item 25	March 12, 2010	(794629)
Item 26	March 15, 2010	(793882)
Item 27	March 16, 2010	(793584)
Item 28	March 17, 2010	(794414)
Item 29	March 19, 2010	(831002)
Item 30	March 22, 2010	(793494)
Item 31	April 01, 2010	(794468)
Item 32	April 07, 2010	(797870)
Item 33	April 22, 2010	(798404)
Item 34	May 07, 2010	(794423)
Item 35	May 25, 2010	(803599)
Item 36	May 27, 2010	(798885)
Item 37	June 30, 2010	(828551)
Item 38	July 14, 2010	(828955)
Item 39	July 23, 2010	(825858)
Item 40	August 17, 2010	(866873)
Item 41	August 18, 2010	(794203)
Item 42	September 02, 2010	(843397)
Item 43	September 22, 2010	(873944)
Item 44	October 26, 2010	(865837)
Item 45	December 14, 2010	(873625)
Item 46	December 16, 2010	(873720)
Item 47	December 21, 2010	(882751)
Item 48	January 05, 2011	(896286)
Item 49	March 30, 2011	(899782)
Item 50	April 12, 2011	(907101)
Item 51	April 15, 2011	(899799)
Item 52	April 26, 2011	(878117)
Item 53	May 20, 2011	(901539)
Item 54	July 18, 2011	(893104)
Item 55	July 20, 2011	(922870)

Item 56	July 22, 2011	(952663)
Item 57	August 19, 2011	(948943)
Item 58	October 13, 2011	(957690)
Item 59	January 17, 2012	(976436)
Item 60	March 01, 2012	(988309)
Item 61	March 22, 2012	(1003533)
Item 62	April 20, 2012	(996918)
Item 63	April 23, 2012	(1010099)
Item 64	May 08, 2012	(1001157)
Item 65	May 17, 2012	(1016489)
Item 66	June 22, 2012	(1024212)
Item 67	July 05, 2012	(1015498)
Item 68	July 06, 2012	(1015477)
Item 69	August 23, 2012	(1016323)
Item 70	September 24, 2012	(1046716)
Item 71	October 16, 2012	(1031121)
Item 72	October 22, 2012	(1061011)
Item 73	November 20, 2012	(1061012)
Item 74	November 30, 2012	(1042397)
Item 75	December 05, 2012	(1050240)
Item 76	December 12, 2012	(1051180)
Item 77	December 27, 2012	(1061013)
Item 78	January 22, 2013	(1079048)
Item 79	February 21, 2013	(1050729)
Item 80	February 22, 2013	(1059018)
Item 81	March 22, 2013	(1089348)
Item 82	May 22, 2013	(1106666)
Item 83	August 21, 2013	(1114247)
Item 84	August 22, 2013	(1093917)
Item 85	August 23, 2013	(1124981)
Item 86	September 24, 2013	(1129580)
Item 87	October 03, 2013	(1121243)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	02/15/2013	(1050410)	CN600128284		
	Self Report?	NO		Classification:	Moderate	
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(a) 5C THSC Chapter 382 382.085(b) Special Condition 9C PERMIT ST&C 1(A) OP ST&C 7 OP				
	Description:	Failure to record monitoring data in the PSA stack (SA-01) and the converter. Subcategory C1.				
	Self Report?	NO		Classification:	Moderate	
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 1(A) OP ST&C 6 OP				
	Description:	Failure to include the degreaser's monthly visual inspection record for the deviation period noted. Subcategory C1.				
	Self Report?	NO		Classification:	Moderate	
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 8 PERMIT ST&C 7 OP				
	Description:	Failure to take semi-annual H2S sample in a timely manner. Subcategory C1.				
	Self Report?	NO		Classification:	Moderate	
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) ST&C 1(A) OP				
	Description:	Failure to report the degreaser's monthly visual inspection deviation on deviation report dated May 22, 2012. Subcategory: C3				
2	Date:	03/26/2013	(1060445)	CN600128284		
	Self Report?	NO		Classification:	Minor	
	Citation:	30 TAC Chapter 115, SubChapter H 115.781(b)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP				

	Description:	Failure to monitor 4250 plugs in HRVOC service. (CATEGORY B1 VIOLATION)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart G 63.120(d)(5) 5C THSC Chapter 382 382.085(b) Special Condition 6 PERMIT Special Term & Condition 13 OP Special Term & Condition 1A OP		
	Description:	Failure to operate multiple Scrubbers with a water flow at or above the minimum flow. (CATEGORY C4 VIOLATION)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.782(b)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
	Description:) Late Re-Monitoring of one Connector. (CATEGORY C1 VIOLATION)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP Special Term & Condition 12 OP		
	Description:	Failure to perform weekly specific gravity sampling to the Super Scrubber. (CATEGORY C1 VIOLATION)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
3	Description:	Failure to make a first repair attempt within five days. (CATEGORY C4 VIOLATION)		
	Date:	03/31/2013 (1095741)	CN600128284	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
4	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	05/07/2013 (1073937)	CN600128284	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(c)(3) 5C THSC Chapter 382 382.085(b) SC 18 PERMIT ST&C 1A OP ST&C 6 OP		
	Description:	Failure to record the liquid flow rate to the Hydrogen Fluoride Scrubber (EPN HF-01). (Category C3 Violation)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 1A OP ST&C 5 OP		
	Description:	Failure to conduct monthly visual inspections of the degreaser (EPN HFDEGR). (Category C1 Violation)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
	Description:	Failure to report all instances of deviations. (Category B3 Violation)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(c)(3) 5C THSC Chapter 382 382.085(b) SC 18 PERMIT ST&C 1A OP ST&C 6 OP		
	Description:	Failure to maintain the Hydrogen Fluoride Scrubber's (EPN HF-01) liquid flow rate in the amount not less than 87 gallons per minute (gpm). (Category C4 Violation)		
5	Date:	05/31/2013 (1110341)	CN600128284	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
6	Date:	06/28/2013 (1073489)	CN600128284	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		

	Description:	5C THSC Chapter 382 382.085(b) Failure to maintain stationary vent opacity below a 20% average over a six-minute period. [C4]		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) FOP General Terms & Conditions OP		
	Description:	Failure to report all deviations. [B3]		
7	Date:	06/30/2013 (1117226)	CN600128284	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
8	Date:	08/30/2013 (1073461)	CN600128284	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term and Condition 7 OP NSR Special Condition 7B PERMIT		
	Description:	Failure to operate the Lannate incinerator (EPN LN-01) within required parameters [Category B18 violation]		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(d)(1)(i) 5C THSC Chapter 382 382.085(b) FOP Special Terms and Conditions 1A, 5 OP		
	Description:	Failure to plug or cap an open-ended line [Category C10 violation]		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term and Condition 7 OP NSR Special Condition 8B PERMIT		
	Description:	Failure to operate the NRS vapor incinerator (EPN LN-50) within required parameters [Category B18 violation]		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term and Condition 7 OP NSR Special Condition 20(C)(2) PERMIT		
	Description:	Failure to perform a functionality check on an LEL meter prior to use [Category C1 violation]		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(e)(7)(ii) 5C THSC Chapter 382 382.085(b) FOP Special Terms & Conditions 1A, 5, 7 OP NSR Special Conditions 3 and 11H PERMIT		
	Description:	Failure to conduct a first attempt at repair within five days on leaking components [Category C4 violation]		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term and Condition 6 OP		
	Description:	Failure to conduct a monthly inspection of the degreaser [Category C1 violation]		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) FOP General Terms and Conditions OP		
	Description:	Failure to report all deviations [Category C3 violation]		
9	Date:	10/25/2013 (1120140)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT		
	Description:	Failure to prevent unauthorized emissions due to an open block valves.		

F. Environmental audits:

Notice of Intent Date: 10/04/2010 (877022)
Disclosure Date: 01/07/2011
Viol. Classification: Moderate

Citation: 30 IAC Chapter 116, SubChapter B 116.115

Rqmt PERMIT Special Conditions 11.J and 12.K

Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt PERMIT Special Condition 11.E

Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt PERMIT Special Condition 11.E

Description: One open-ended valve was found in the Lannate/API Unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)

Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363

Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.

Disclosure Date: 04/14/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt PERMIT Special Conditions 11.J and 12.K

Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt PERMIT Special Condition 11.E

Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt PERMIT Special Condition 11.E

Description: One open-ended valve was found in the Lannate/API Unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)

Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363

Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS
AND COMPANY
RN100225085**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-2104-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 12501 Strang Road in the City of La Porte, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on November 15, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Six Thousand Two Hundred Fifty Dollars (\$26,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-One Thousand Dollars

(\$21,000) of the administrative penalty and Five-Thousand Two Hundred Fifty Dollars (\$5,250) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by August 12, 2013, the Respondent returned to compliance with permit effluent limits by implementing the following corrective measures at the Facility:
 - a. Source control of the copper wastewater stream by adding a copper precipitant chemical to the gathering ponds;
 - b. Implemented control methods at the sulfate pile and for all methomyl-containing sump piping and at the emergency retention basin; and
 - c. Repaired high-nickel alloy equipment.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 1, for Outfall Nos. 001 and 101, as documented during a record review conducted on September 24, 2013, and shown in the table below:

Effluent Parameter Violation Table			
Outfall 001			
	Copper Total		Nickel Total
	Daily Average Concentration	Daily Average Loading	Daily Average Concentration
Month /Year	Limit = 0.043 mg/L	Limit = 1.57 lbs/day	Limit = 0.049 mg/L
July 2012	c	c	0.055
March 2013	0.06	1.87	c
June 2013	0.055	c	c
Outfall 101			
Month /Year	Methomyl		
	Daily Average Loading		Daily Maximum Loading
	Limit = 0.088 lbs/day		Limit = 0.191 lbs/day
May 2013	0.171		0.46

c = compliant lbs/day = pounds per day

mg/L = milligrams per liter

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2013-2104-IWD-E" to:


Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/4/14

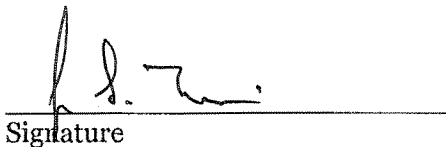
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

2/19/2014

Date

Jose L. Trevino

Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

Plant Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.